

GROUP ELECTION AND REMARKS

In response to the Restriction Requirement dated April 20, 2006, Applicants **ELECT Group I, Claims 1, 3-6, 47, 50 and 51** for prosecution on the merits, with traverse.

The Restriction Requirement stated that “Applicants have presented claims 3-6, and 14-69 in improper Markush format.” The Requirement stated “The claims are improperly joined as *the claimed methods* require the use and detection of distinct target molecules. A reference against one target molecule (i.e., an agonist) would not be a reference against the other target molecule (i.e., an agent that increases expression).”

Applicants submit that the elected claims are not drawn to methods, but to nucleic acid compositions. As such, it is not clear what is improper about the format for the recitation of elements in the elected claims. Applicants respectfully request clarification from the Examiner, particularly in view of the election of the composition claims of Group I.

This Response is being filed within one month from the Restriction Requirement mailed April 20, 2006 and no fee is believed to be due. However, should any fees be required to ensure consideration of this response, the Commissioner is authorized to charge Deposit Account 16-0085, Reference No. 202312/2002.

Date: May 22, 2006

Respectfully submitted,



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